

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS PARRISH,
Plaintiff,
v.
OFFICER GHANOW, et al.,
Defendants.

Case No. 18-cv-04484-NC

**ORDER SCREENING AMENDED
COMPLAINT; ORDERING
SERVICE**

Re: ECF 11

Previously, the Court granted Parrish's motion to proceed in forma pauperis and screened Parrish's complaint under 28 U.S.C. § 1915(e)(2)(B). ECF 10. The Court found that the complaint failed to state whether Parrish was still incarcerated and subject to administrative exhaustion requirements under 42 U.S.C. § 1997e(a). And the Court found that the complaint failed to allege facts against defendant California Forensic Medical Group (CFMG) under a theory of municipal liability. With leave, Parrish filed an amended complaint. ECF 11.

The amended complaint clarifies that Parrish is no longer incarcerated, *id.* ¶ 15, which eliminates the need for exhaustion of administrative remedies for Parrish's federal claims. The Court need not determine whether Parrish sufficiently pleads administrative exhaustion of his Bane Act claim, because the presence of at least one valid claim warrants service on the defendants.

And the amended complaint adds allegations that CFMG and its employees engage

1 in “the systematic malpractice” of taking contracts to provide care to prisoners but then
2 “purposely and intentionally engage in practices whereby they fail to properly treat
3 patients” in order to further their financial bottom line. *Id.* ¶ 88. These factual allegations
4 support a claim under *Monell v. Department of Social Services*, 436 U.S. 658, 691 (1978).

5 Thus, the Court FINDS that Parrish’s amended complaint states a plausible claim
6 for relief against all defendants such that service is warranted. This finding is without
7 prejudice to the defendants filing a motion to dismiss. The Court ORDERS the U.S.
8 Marshals Service to serve all defendants with a summons and copy of the amended
9 complaint.

10 All parties are directed to indicate whether they consent or decline the jurisdiction
11 of a U.S. Magistrate Judge under 28 U.S.C. § 636(c). Any party is free to withhold
12 consent without adverse consequences. A consent/declination form is attached to this
13 order.

14 **IT IS SO ORDERED.**

15
16 Dated: August 27, 2018

17 
18 _____
19 NATHANAEL M. COUSINS
20 United States Magistrate Judge
21
22
23
24
25
26
27
28